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January 17, 2012

**VIA ECF**

The Honorable James Orenstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York

**RE: Lowenstein v. Global  
11 CV 1587 (CBA) (JO)**

Dear Magistrate Judge Orenstein:

This correspondence shall serve as the parties' Joint Status Report pursuant to this Court's September 9, 2011 Case Management and Scheduling Order. This Status Report is submitted in anticipation of the Status Conference with the Court set for January 19, 2012, at 9:30 a.m. Counsel for Defendant has authorized Plaintiff's filing the Joint Report on behalf of both parties.

I represent the plaintiff in the above matter. In advance of the status conference, I have been having both intermittent and continuous discussions via telephone and email with defendant's general or main counsel in California. We have been debating over the plaintiff's wireless telephone service and whether it does or does apply to the TCPA. The defendant has served some written discovery responses but we have tried to keep the time devoted to the matter to a minimum to attempt to resolve the matter as the FDCPA is a fee shifting statute.

In the meantime, I am expecting a call from David Kaminski, Esq. today and hopefully we can resolve the matter or get closer to settlement.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/  
Adam J. Fishbein

cc: Yale Pollack, Esq.